

Docket No.: 45112-200



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Steven M. BESSETTE

Serial No.: 10/014,797

Filed: December 14, 2001

Group Art Unit: 1614

Examiner: Vera Aframova

For: PESTICIDAL COMPOSITIONS CONTAINING ROSEMARY OIL AND
WINTERGREEN OIL

RESPONSE TO RESTRICTION REQUIREMENT

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Mail Stop Restriction Requirement
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

This paper is being filed in response to the non-final Office Action dated February 25, 2003, setting forth a restriction requirement. A **two month extension of time** under 37 C.F.R. 1.136 is hereby made. Please charge the small entity extension of time fee to Deposit Account No. 500417.

In response to the Restriction Requirement, Applicant hereby elects, with traverse, **Group I (claims 1 and 2)** for initial prosecution on the merits. Applicant respectfully reserves the right to file continuing applications for the non-elected groups if the restriction requirement is ultimately made final.

Applicant respectfully submits that a restriction requirement between patentably distinct inventions is proper only when there is a serious burden on the Patent Office to examine all of the claims in a single application even when it appears that appropriate reasons exist for a restriction requirement. M.P.E.P. § 803. To avoid unnecessary delay and expense to Applicant

and duplicative examination by the Patent Office, Applicant respectfully requests that the above policy be applied in the present application because the subject matter of the pending claims is sufficiently related.

For instance, each of the allegedly restricted groups is directed to compositions containing plant essential oils. Applicant respectfully submits that a thorough search for the claims in any one Group would necessarily overlap with a search of the claims in the remaining groups such that a search and examination of the entire application can be made without serious burden. Therefore, Applicant respectfully requests reconsideration and withdrawal of the restriction requirement.

Please grant any further extension of time necessary for entry of this communication. Please charge any deficient fees, or credit any overpayment of fees, to Deposit Account No. 500417.

Respectfully submitted,

Date: May 25, 2003

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